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Attorneys for Petitioner  
GREGORY CALVIN SMITH

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

	)	NO. 3:04-CV-03436-CRB
	)	
GREGORY CALVIN SMITH,	)	<u>DEATH PENALTY CASE</u>
	)	
Petitioner,	)	
	)	STIPULATED CONTINUANCE
v.	)	
	)	
ROBERT AYERS, Warden,	)	
San Quentin State Prison,	)	
	)	
Respondent.	)	
	)	
	)	

**STIPULATION**

The parties, by and through their attorneys of record, hereby stipulate:

*Stipulated Continuance*  
*No. 3:04-CV-03436-CRB*

2. Counsel for petitioner will review the petition, identify where in the record each claim was exhausted in state court, if the claim was exhausted, and make appropriate revisions to the petition.

3. Counsel will complete and file the revised petition by January 20, 2010. At that time, the presumptive schedule contemplated by Local Rule 2254-29 will start to run.

Dated: \_\_\_\_\_ /s/ Michael Snedeker  
MICHAEL R. SNEDEKER  
Attorney for Petitioner

Dated: \_\_\_\_\_ /s/ Harold Rosenthal  
 \_\_\_\_\_  
 HAROLD ROSENTHAL  
 Attorney for Petitioner

Dated: \_\_\_\_\_ /s/ Lisa Ashley Ott  
\_\_\_\_\_  
LISA ASHLEY OTT  
Attorney for Respondent

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 16, 2009

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HONORABLE JUDGE CHARLES R. BREYER  
Judge

IT IS SO ORDERED

*[Signature]*  
Judge Charles R. Breyer